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SENATE BILL 782

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO RAFFLES; ALLOWING THE NEW MEXICO STATE FAIR TO  
CONDUCT RAFFLES FOR PROMOTION AND TO AUGMENT REVENUES;  
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2B-3 NMSA 1978 (being Laws 1981,  
Chapter 259, Section 3, as amended) is amended to read:

"60-2B-3. DEFINITIONS.--As used in the Bingo and Raffle  
Act:

A. "charitable organization" means any  
organization, not for pecuniary profit, ~~[which]~~ that is  
operated for the relief of poverty, distress or other condition  
of public concern in New Mexico and ~~[which]~~ that has been so  
engaged for three years immediately prior to making application  
for a license under the Bingo and Raffle Act and ~~[which]~~ that

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1 has been granted an exemption from federal income tax by the  
2 United States commissioner of internal revenue as an  
3 organization described in Section 501 (c) of the United States  
4 Internal Revenue Code of 1954, as amended or renumbered;

5 B. "chartered branch, lodge or chapter of a  
6 national or state organization" means any branch, lodge or  
7 chapter ~~[which]~~ that is a civic or service organization, not  
8 for pecuniary profit, and authorized by its written  
9 constitution, charter, articles of incorporation or bylaws to  
10 engage in a fraternal, civic or service purpose in New Mexico  
11 and ~~[which]~~ that has been so engaged for three years  
12 immediately prior to making application for a license under the  
13 Bingo and Raffle Act;

14 C. "commercial lessor" means an entity that leases  
15 space to a qualified organization;

16 D. "distributor" means a person who supplies  
17 equipment to a qualified organization but does not manufacture  
18 equipment;

19 E. "educational organization" means any  
20 organization within the state, not organized for pecuniary  
21 profit, whose primary purpose is educational in nature and  
22 designed to develop the capabilities of individuals by  
23 instruction and ~~[which]~~ that has been in existence in New  
24 Mexico for three years immediately prior to making application  
25 for a license under the Bingo and Raffle Act;

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1 F. "fraternal organization" means any organization  
2 within the state, except college and high school fraternities,  
3 not for pecuniary profit, ~~which~~ that is a branch, lodge or  
4 chapter of a national or state organization and exists for the  
5 common business, brotherhood or other interests of its members  
6 and ~~which~~ that has existed in New Mexico for three years  
7 immediately prior to making application for a license under the  
8 Bingo and Raffle Act;

9 G. "labor organization" means any organization, not  
10 for pecuniary profit, within the state, ~~which~~ that exists for  
11 the purpose, in whole or in part, of dealing with employers  
12 concerning grievances, labor disputes, wages, rates of pay,  
13 hours of employment or conditions of work and ~~which~~ that has  
14 existed in New Mexico for that purpose and has been so engaged  
15 for three years immediately prior to making application for a  
16 license under the Bingo and Raffle Act;

17 H. "qualified organization" means any bona fide  
18 chartered branch, lodge or chapter of a national or state  
19 organization or any bona fide religious, charitable,  
20 environmental, fraternal, educational or veterans' organization  
21 operating without profit to its members ~~which~~ that has been  
22 in existence in New Mexico continuously for a period of three  
23 years immediately prior to the making of an application for a  
24 license under the Bingo and Raffle Act and ~~which~~ that has  
25 had, during the entire three-year period, a dues-paying

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1 membership engaged in carrying out the objects of the  
2 corporation or organization. A voluntary firemen's  
3 organization is a qualified organization and a labor  
4 organization is a qualified organization for the purpose of the  
5 Bingo and Raffle Act if it uses the proceeds from a game of  
6 chance solely for scholarship or charitable purposes;

7 I. "environmental organization" means any  
8 organization primarily concerned with the protection and  
9 preservation of the natural environment and ~~[which]~~ that has  
10 existed in New Mexico for three years immediately prior to  
11 making application for a license under the Bingo and Raffle  
12 Act;

13 J. "religious organization" means any organization,  
14 church, body of communicants or group, not for pecuniary  
15 profit, gathered in common membership for mutual support and  
16 edification in piety, worship and religious observances or a  
17 society, not for pecuniary profit, of individuals united for  
18 religious purposes at a definite place, which organization,  
19 church, body of communicants, group or society has been so  
20 gathered or united in New Mexico for three years immediately  
21 prior to making application for a license under the Bingo and  
22 Raffle Act;

23 K. "veterans' organization" means any organization  
24 within the state or any branch, lodge or chapter of a national  
25 or state organization within this state, not for pecuniary

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1 profit, the membership of which consists of individuals who  
2 were members of the armed services or forces of the United  
3 States, ~~[which]~~ that has been in existence in New Mexico for  
4 three years immediately prior to making application for a  
5 license under the Bingo and Raffle Act;

6 L. "voluntary firemen's organization" means any  
7 organization for firefighting within the state, not for  
8 pecuniary profit, established by the state or any of its  
9 political subdivisions, ~~[which]~~ that has been in existence in  
10 New Mexico for three years immediately prior to making  
11 application for a license under the Bingo and Raffle Act;

12 M. "dues-paying membership" means those members of  
13 an organization who pay regular monthly, annual or other  
14 periodic dues or who are excused from paying such dues by the  
15 charter, articles of incorporation or bylaws of the  
16 organization and those who contribute voluntarily to the  
17 corporation or organization to which they belong for the  
18 support of the corporation or organization;

19 N. "equipment" means:

20 (1) with respect to bingo or lotto:

21 (a) the receptacle and numbered objects  
22 drawn from it;

23 (b) the master board upon which the  
24 numbered objects are placed as drawn;

25 (c) the cards or sheets bearing numbers

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1 or other designations to be covered and the objects used to  
2 cover them;

3 (d) the board or signs, however  
4 operated, used to announce or display the numbers or  
5 designations as they are drawn;

6 (e) the public address system; and

7 (f) all other articles essential to the  
8 operation, conduct and playing of bingo or lotto; and

9 (2) with respect to a raffle, implements,  
10 devices and machines designed, intended or used for the conduct  
11 of raffles and the identification of the winning number or unit  
12 and the ticket or other evidence or right to participate in  
13 raffles;

14 O. "game of chance" means that specific kind of  
15 game of chance commonly known as bingo or lotto in which prizes  
16 are awarded on the basis of designated numbers or symbols on a  
17 card conforming to numbers or symbols selected at random and  
18 that specific kind of game of chance commonly known as a raffle  
19 [~~which~~] that is conducted by drawing for prizes or the  
20 allotment of prizes by chance or by the selling of shares,  
21 tickets or rights to participate in the game;

22 P. "gross receipts" means receipts from the sale of  
23 shares, tickets or rights in any manner connected with  
24 participation in a game of chance or the right to participate  
25 in a game of chance, including any admission fee or charge, the

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1 sale of equipment or supplies and all other miscellaneous  
2 receipts;

3 Q. "lawful purposes" means:

4 (1) educational, charitable, patriotic,  
5 religious or public-spirited purposes, which terms are defined  
6 to be the benefiting of an indefinite number of persons either  
7 by bringing their minds or hearts under the influence of  
8 education or religion, by relieving their bodies from disease,  
9 suffering or constraint, by assisting them in establishing  
10 themselves in life, by erecting or maintaining public buildings  
11 or works, by providing legal assistance to peace officers or  
12 firemen in defending civil or criminal actions arising out of  
13 the performance of their duties or by otherwise lessening the  
14 burden of government. These terms include the erection,  
15 acquisition, improvement, maintenance, insurance or repair of  
16 property, real, personal or mixed, if the property is used for  
17 one or more of the purposes stated in this subsection; or

18 (2) to augment the revenue of and promote the  
19 New Mexico state fair;

20 R. "lawful use" means the devotion of the entire  
21 net proceeds of a game of chance exclusively to lawful  
22 purposes;

23 S. "licensee" means any qualified organization to  
24 which a license has been issued by the licensing authority;

25 T. "licensing authority" means the gaming control

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1 board;

2 U. "manufacturer" means a person who  
3 [~~manufacturers~~] manufactures, fabricates, assembles, produces,  
4 programs or makes modifications to equipment for use or play in  
5 New Mexico or for sale or distribution outside of New Mexico;

6 V. "member" means an individual who has qualified  
7 for membership in a qualified organization pursuant to its  
8 charter, articles of incorporation, bylaws, rules or other  
9 written statement;

10 W. "net proceeds" means the receipts less the  
11 expenses, charges, fees and deductions as are specifically  
12 authorized under the Bingo and Raffle Act;

13 X. "New Mexico state fair" means the fair created  
14 in Section 16-6-14 NMSA 1978;

15 [~~X-~~] Y. "occasion" means a single gathering or  
16 session at which a series of successive bingo or lotto games  
17 are played;

18 [~~Y-~~] Z. "person" means a natural person, firm,  
19 association, corporation or other legal entity; and

20 [~~Z-~~] AA. "premises" means any room, hall, enclosure  
21 or outdoor area used for the purpose of playing a game of  
22 chance."

23 Section 2. Section 60-2B-5 NMSA 1978 (being Laws 1981,  
24 Chapter 259, Section 5) is amended to read:

25 "60-2B-5. ORGANIZATIONS ENTITLED TO LICENSES--FEES.--  
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1           A. Any bona fide chartered branch, lodge or chapter  
2 of a national or state organization or any bona fide religious,  
3 charitable, labor, environmental, fraternal, educational or  
4 veterans' organization [~~which~~] that operates without profit to  
5 its members and [~~which~~] that has been in existence in New  
6 Mexico continuously for a period of three years immediately  
7 prior to the making of application for a license under the  
8 Bingo and Raffle Act and has had, during the making of  
9 application for a license under that act and during the entire  
10 three-year period, dues-paying [~~members~~] membership engaged in  
11 carrying out the objects of the corporation or organization is  
12 eligible for a license to be issued by the licensing authority  
13 under the Bingo and Raffle Act. In the event any license is  
14 revoked, the licensee and holder [~~thereof~~] of the license is  
15 not eligible to apply for another license under Subsection B of  
16 this section until after the expiration of the period of one  
17 year from the date of [~~such~~] revocation. Any voluntary  
18 firemen's organization established by the state or any  
19 political subdivision and [~~which~~] that has been in existence in  
20 New Mexico for three years shall also be an organization  
21 entitled to a license under the provisions of that act.

22           B. The licenses provided by the Bingo and Raffle  
23 Act shall be issued by the licensing authority to applicants  
24 qualified under that act upon payment of a fee of one hundred  
25 dollars (\$100). The licenses shall expire at the end of the

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1 calendar year in which they are issued by the licensing  
2 authority and may be renewed by the licensing authority upon  
3 the filing of an application for renewal provided by the  
4 licensing authority and the payment of a fee of one hundred  
5 dollars (\$100) for the renewal. ~~[No]~~ A license or renewal  
6 granted under that act ~~[shall be]~~ is not transferable.

7 C. The New Mexico state fair:

8 (1) may apply to the licensing authority for  
9 and shall be issued a license pursuant to the Bingo and Raffle  
10 Act to conduct games of chance on the grounds of the New Mexico  
11 state fair during the state fair; and

12 (2) shall pay a licensing fee to the licensing  
13 authority of one hundred dollars (\$100) per calendar year at  
14 the time of application for or renewal of a license issued  
15 pursuant to the Bingo and Raffle Act.

16 D. A qualified organization may conduct a raffle on  
17 the grounds of the New Mexico state fair during the state fair  
18 only after:

19 (1) obtaining express prior approval of the  
20 state fair commission and the licensing authority; and

21 (2) payment of a fee to the state fair  
22 commission of one hundred dollars (\$100) for each raffle  
23 conducted by the qualified organization."

24 Section 3. Section 60-2B-13 NMSA 1978 (being Laws 1981,  
25 Chapter 259, Section 13, as amended) is amended to read:

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1 "60-2B-13. EXEMPTIONS.--Nothing in the Bingo and Raffle  
2 Act shall be construed to apply to:

3 A. a drawing or a prize at a fair or fiesta held in  
4 New Mexico under the sponsorship or authority of the state or  
5 any of its political subdivisions, or for the benefit of a  
6 church situated in this state or for charitable purposes when  
7 all the proceeds of the sale or drawing shall be expended  
8 within New Mexico for the benefit of that church or charitable  
9 purpose [~~provided the fair or fiesta has been held on an annual~~  
10 ~~basis for not less than two years immediately preceding and for~~  
11 ~~a period of not more than fourteen consecutive calendar days in~~  
12 ~~each year~~]; or

13 B. bingo or a raffle held by a group or  
14 organization as defined in Section 60-2B-3 NMSA 1978 that holds  
15 bingo or a raffle only once during three consecutive calendar  
16 months and not exceeding four occasions in one calendar year."

17 Section 4. EMERGENCY.--It is necessary for the public  
18 peace, health and safety that this act take effect immediately.